



# CITY OF SAN ANTONIO

## Limited Purpose Annexation Frequently Asked Questions

### What is limited purpose annexation?

A home-rule city with a population of more than 225,000 may annex an area for the limited purpose of applying its planning, zoning building health and safety ordinances in the area to prevent incompatible land uses. This ensures sound and safe habitable structures and protects environmental resources. The area must be within the City's extraterritorial jurisdiction and contiguous to the boundaries of the city. Limited purpose annexation does not extend the city's extraterritorial jurisdiction.

### What regulations are being extended?

Limited Purpose Annexation allows the City to extend its City limits, planning, zoning, and health and safety ordinances. Those ordinances are:

- Building Code (Chapter 6 of the Municipal Code)
- Electrical Code (Chapter 10 of the Municipal Code)
- Plumbing Code (Chapter 24 of the Municipal Code)
- Fire Prevention Code (Articles III & IV, Chapter 11 of the Municipal Code)
- Solid Waste Code pertaining to lot clearance (Article V, Chapter 14 of the Municipal Code)
- Licenses and Business Regulations pertaining to salvage yards and auto dismantlers (Article VII, Chapter 16 of the Municipal Code)
- Signs & Billboards (Chapter 28 of the Municipal Code)
- Water & Sewers (Chapter 34 of the Municipal Code)
- Unified Development Code (Chapter 35 of the Municipal Code) including, but not limited to, all zoning regulations.

### When is the area annexed for full purposes?

Within three years of the limited purpose annexation or before January 19, 2017 for this area.

The City is required to complete certain actions during the three years that lead up to the annexation for full purposes:

- **First year:** By the end of the first year after the date the area is annexed for limited purposes, the City must develop a land use and intensity plan as a basis for service to the area.
- **Second year:** By the end of the second year, include the area in the city's long-range financial forecast and program to identify future capital improvements.
- **Third year:** By the end of the third year, include projects intended to serve the area with potential funding sources in its adopted capital improvements program.

### Will the City's extraterritorial jurisdiction (ETJ) be extended with the Limited Purpose Annexation?

No. State law does not allow a municipality to extend its E.T.J. through Limited Purpose Annexation.

## TAXES AND FEES

### Do residents pay city property taxes?

No. The City may not assess a tax on any property in an area annexed for limited purposes or on any resident of the area for an activity occurring in the area. The City may impose reasonable charges for zoning, subdivision and building inspection and permit fees. City sales taxes are not collected by businesses.

**Will I be required to pay any fees to the City?**

Yes. All permit fees and development fees apply.

**VOTING AND CITY OFFICES****Can residents vote?**

They may vote for normal elections and recall elections. They may not vote for bond issues.

**When are elections held to elect the Mayor and Members of City Council?**

The City of San Antonio conducts its General Election every odd year in May. The next General Election is scheduled for May 2015.

**Which City Council Offices are up for election?**

The Mayor and all ten (10) City Council Offices are up for election every odd year in May. However, not all Members of the City Council are eligible for re-election as the City of San Antonio has term limits. Please see below for more information regarding to terms of offices and term limits. <http://www.sanantonio.gov/clerk/Elections/index.aspx>

**Can residents hold city office?**

No. A resident of an area annexed for limited purposes is not eligible to be a candidate for or be elected to a municipal office.

**CITY SERVICES****What services are provided?**

Planning, zoning, and health and safety ordinances are extended to the area. When the area is annexed for full purposes, all municipal services are provided to residents.

**Will the City provide fire, emergency medical services (EMS) or police?**

No. These services will not be provided for Limited Purpose Annexation within three (3) years. These services will be provided if the area is annexed for full purposes.

**FIREARMS****Will I be allowed to discharge firearms on my property and continue to hunt as before, after we are annexed for Limited Purposes?**

Yes. Under Limited Purpose Annexation, citizens may continue to use your firearms for gaming and hunting.

***Texas Local Government Code § 229.001***

A municipality may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the municipality or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

- (1) a shotgun, air rifle or pistol, BB gun or bow and arrow discharged:
  - (A) on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; and
  - (B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
- (2) a center fire or rim fire rifle or pistol of any caliber discharged:
  - (A) on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property; and
  - (B) in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

**BUSINESSES****If I own a business, will I be required to collect a City sales tax?**

No. City sales taxes are not collected and do not apply to the Limited Purpose Annexation areas.

**Will I be able to continue to operate my business upon annexation?**

Yes. All business annexed into the City are vested with the existing business use. However, for non-conforming rights, property owners are encouraged to register existing uses with the City to protect their property rights. No fee is required to register your business.

**Is there a permit or license that I need to get from the City, for my business after annexation?**

Yes. You are required to apply for a Certificate of Occupancy to operate your business.

**I do not currently have a water utility serving my business. There is no fire hydrant near my business. If I want to expand my building, will I be required to provide the required water supply that is normally required in the City?**

Persons developing a piece of property, including those adding on to existing structures, are required to provide sufficient water supply for their development. It is not the burden of the water utility to provide water supply required for expanded development. It is possible that the Fire Department will be able to find a solution other than providing the normally required volume of water. The solution would more than likely require an onsite water tank of sufficient volume and may require the installation of a fire sprinkler system.

**When I apply for a Certificate of Occupancy will the Fire Inspector order me to make changes to how I operate my business?**

For the most part businesses will be allowed to continue to operate without changes. There could be some cases where a business is operating in such a manner as to be a distinct hazard to life or property. Section 102 of the Uniform Fire Code, titled Retroactive Application to Existing Conditions, states, "The provisions of this code shall apply to conditions arising after adoption thereof, conditions not legally in existence at the adoption of this code, and to conditions which, in the opinion of the chief, constitute a distinct hazard to life or property."

For example, it is known many restaurant fires occur at cooking surfaces that generate grease-laden vapors. This has been identified as a distinct hazard. Any restaurant in the City that does not currently provide a fixed fire protection system for such cooking surfaces will be required to do so.

Another distinct hazard would be provision of inadequate means of exiting a building. For example, if a restaurant or nightclub exists that provides only one exit from a building that could hold more than fifty persons then a distinct life hazard exists for the occupants of that building. The Fire Department will require that the owner provide a second means of egress that is adequately separated from the main exit to allow two means of egress.

Another example of retroactive application of the Fire Code pertains to the use of hazardous materials, including flammable and combustible liquids. Owners of certain types of aboveground storage tanks may have to provide additional safeguards or remove the tanks.

**WATER AND SEWER**

**Will the City require me to hook up to City water & sewer?**

No. The City will not require any changes in existing utility services.

**Will the City make me cap my water well?**

No. The City will not require citizens to cap water wells.

**ZONING DISTRICTS AND USES**

**What will my zoning be after annexation?**

If your property is currently within the City South Management Authority Boundary zoning will remain the same. If the property is currently outside the City South Management Authority, zoning is being proposed. The Zoning Commission will hold a hearing on December 3, 2013 at the Cliff Morton Development and Business Center Services located at 1901 S. Alamo. Both Zoning and Plan Amendment application fees will be waived within the first three years after Limited Purpose Annexation has taken place, should a property owner submit an application to rezone or amend a land use plan.

***For information regarding zoning related to Limited Purposes Annexation please contact the Department of Planning and Community Development, at 210-207-8318***

### **SINGLE FAMILY AND MANUFACTURED HOMES**

**If I am required to get permits to finish construction of my house, will the City impose any changes to the portion of the house that was not permitted?**

The building inspector may require some alterations and impose certain requirements to the existing main structure if he/she concludes that failure to make those changes would result in a safety hazard.

**I'm currently building my house and may not complete it before the City annexes for Limited Purposes on January 9, 2014. Will I be required to get a building permit to complete my home?**

Yes. You will be required to obtain a building permit to complete the remaining improvements.

**I have a second house on my property, but no one lives there. If the house is not livable and in need of repair, is the City going to tear it down?**

If the house is structurally sound and is not a health hazard, the City will not take any action. If the structure poses a safety hazard and is beyond repair, the City will recommend the structure be removed from the premises.

**May I place a manufactured home on my property?**

Before you can place a manufactured home on your property, it must be rezoned to an "MH" Manufactured District or be zoned for a conditional use for a manufactured home. Manufactured homes must meet Housing and Urban Development (HUD) Code.

***For information regarding the zoning application process please contact the Development Services Department, Zoning Division at 210-207-5085.***

### **PARTITIONING AND SUBDIVIDING**

**Will the City allow me to partition my property with barbwire fencing for my cattle?**

Yes. Property owners will be allowed to erect, maintain, and repair traditional barbed wire or electric fences used in conjunction with agricultural, farming, or ranching operations.

***For information regarding the building permit process please contact the Development Services Department at 210-207-1111.***

### **FIRE AND FIREWORKS**

**We own primarily vacant agricultural farmland. What restrictions will the Fire Marshal impose on my property if we get annexed?**

The Fire Code does not permit unauthorized burning. Anyone wishing to burn must obtain a burning permit or the permission of the Fire Department when using an incinerator or other container approved by the Fire Department. Section 1101.3.1 of the Uniform Fire Code Amendments applies to burning. Information on this Fire code section can be found on the Internet at the following web address – <http://www.sanantonio.gov/safd/businessformsandpermits.asp>

The permit fee is \$225.00. Burning can only be conducted from one hour after sunrise to one hour before sunset.

It will be possible for some persons in the limited purpose annexation area to obtain a burning permit to burn their fields. Before a permit is issued an investigation of the area will allow the Fire Inspector to determine if there is a fire hazard or danger to adjoining or nearby property, or a violation of air pollution standards.

**Will I be able to use fireworks on my property?**

No. Possession and use of fireworks within the corporate limits of the City are prohibited  
<http://www.nfpa.org/safety%20information/for%20consumers/holidays/fireworks.aspx>

***For information regarding the fire code please contact the Fire Department, Fire Prevention Division at 210-207-8400.***

**METRO HEALTH DISTRICT**

**What services would I receive from the Health District?**

You will receive all of the services that you currently receive from the Health District under the contract that the Health District has with the County. This includes health services at our clinics, animal control, and food inspection of facilities and environmental health inspection for water quality, mobile home parks and illegal dumping.

**What other permits will I need from the Health District?**

Under limited annexation, restaurants are already licensed and inspected by the Health District. In addition, you are already required to purchase permits for your dogs and cats. There are no other permits. If you are annexed for full purposes in three years, you may need other permits for semi-public swimming pools and mobile home parks.

***For information regarding Health services, please contact the Health Department at 210-207-8780.***

**AGRICULTURAL AND EXOTIC ANIMALS**

**Will I be allowed to keep my cattle, horse, pigs, and poultry?**

Yes. Under this limited purpose annexation, the City's ordinances on the keeping of livestock will not apply.

**After three years, will I be allowed to keep my cattle, horses, pigs and poultry?**

If you are annexed for full purposes in three years, the City's livestock ordinances will apply. The City ordinances allow for the keeping of livestock provided that you have sufficient acreage for the number of livestock and that you purchase a yearly permit.

**What about pigs?**

Under limited annexation you are allowed to keep swine. If you are annexed for full purposes in three years you will not be allowed to keep swine. The exception is if you are keeping swine for a 4-H project. If so, you must show proper affiliation with a 4-H program and school sponsor.

**What about exotic animals like wolves, tigers, snakes and monkeys?**

Unincorporated Bexar County already has to abide by State regulations on the keeping of exotic animals. If you are annexed for full purpose, the City prohibits the keeping of exotic animals like tigers, wolves, lions, poisonous snakes and monkeys.

**What about agriculturally exempt properties?**

The City of San Antonio is required to offer a development agreement which allows properties that are appraised for agricultural or wildlife management use or as timber land to postpone annexation until such time that the development plat or other document is filed. Property owners with these appraised uses will receive a letter and development agreement from the City of San

Antonio. The development agreement form should be signed and returned to the City of San Antonio by December 2, 2013. (*Texas Local Government Code 43.035.*)

## **CODE COMPLIANCE**

### **Will I be able to store furniture, auto parts or other items anywhere on my property?**

No. You will not be able to store any type of debris, refuse or materials, unless they are under a roof or storage building.

### **I have an old truck that I use once a year to seed my fields on my 200-acre farm. The truck does not have any current tags or inspection sticker since it is not driven outside my property. Will the City require me to have current tags and inspections?**

No. You will not be cited provided your vehicle is operable and is not driven outside of your property on public streets. City code does not allow for storing of junk vehicles or the dismantling of parts for sale unless the property is zoned for an auto salvage business.

### **I dismantle trucks and cars and sell the parts can I still do this when we are annexed?**

No. If you are doing this out of a private residence.

Yes. If you own an auto salvage business, you will be grandfathered with the annexation. You may continue to operate your business; however, we encourage you to register your business with the City within the first year of annexation. You will not be permitted to do this out of your residence. This would be considered to be a nuisance to your neighbors and would be a violation of the City's zoning regulations.

### **I have more than 10 acres of land. Will I be required to cut the whole thing?**

No. The City will require you to cut 150 feet off of the perimeter of the property. Tracts of 3 acres or less with growth of 12 inches or more, must mow the entire property. Failure to mow your property of growth exceeding 48 inches may cause the City to mow it for you and send you the bill.

***For question regarding Code Compliance issues contact Marc Castro at 210-207-5445.***

## **CONTACTS**

### **FOR INFORMATION PERTAINING TO:**

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## **Anexión de Propósito Limitado**

**¿Qué es anexión de propósito limitado?** Una ciudad de hogar-regla con una población de más de 225,000 puede anexar un área para el propósito de aplicar sus reglas de planeamiento, de clasificación de zonas, códigos de construcción, y ordenanzas de salud y de seguridad con el propósito de prevenir usos incompatibles de terrenos, asegurar estructuras habitables, y proteger los recursos ambientales. El área debe estar dentro de la jurisdicción extraterritorial de la ciudad y contiguo a los límites de la ciudad. La anexión de propósito limitado no amplía la jurisdicción extraterritorial de la ciudad.

**¿Pagan los residentes impuestos de la ciudad?** No. A la ciudad no se le permite cobrar ningún impuesto en el área anexada de propósito limitado. La ciudad puede imponer las cargas razonables para clasificación de zonas, la inspección de la subdivisión y de edificios, y los honorarios para permisos. Los impuestos de ventas de la ciudad no se aplican.

**¿Pueden los residentes votar?** Pueden votar en elecciones normales y elecciones de destitución. No pueden votar en elecciones de bonos.

**¿Pueden los residentes ser elegidos a una oficina de la ciudad?** No. Un residente de un área anexa de propósitos limitados no es elegible para ser candidato, ni puede ser elegido a una oficina municipal.

**¿Cuáles servicios se proporcionan?** El planeamiento, el zonificación, y las ordenanzas de salud y de seguridad se extienden al área. Tal como cuando el área se anexe con propósitos completos entonces todos los servicios municipales serán incluidos.

**¿Cuándo se anexa el área para los propósitos completos?** En el plazo de tres años de la anexión de propósito limitado o antes de el 19 de enero de 2017.

Se le requiere a la ciudad que termine ciertas acciones durante los tres años bajo la anexión de propósito limitado que condujeron y antes de una anexión de propósitos completos:

- Primer Año: Al fin de primer año después de la fecha que el área se anexa para los propósitos limitados, la ciudad debe desarrollar un plan de la utilización del suelo y de la intensidad como base para el servicio al área.
- Segundo Año: Al fin de segundo año, debe incluir el área en el pronóstico financiero de largo alcance de la ciudad y un programa para identificar las mejoras futuras de capital (obras públicas).
- Tercer Año: Al fin de tercer año, incluya los proyectos previstos para servir al área con fuentes de financiamiento potencial en su programa adaptadote mejoras de capital (obras públicas).